

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

INFRASTRUCTURE ALTERNATIVES,
INC., *et al.*,

Plaintiffs,

v.

KATHLEEN SEBELIUS,
Secretary of the United States Department
of Health and Human Services, *et al.*,

Defendants.

CASE NO. 1:13-CV-31

HON. ROBERT J. JONKER

ORDER

A Rule 16 Scheduling Conference in this matter took place on May 6, 2013. This case raises legal issues like those presented in another case on the Court's docket, *Autocam Corporation v. Sebelius*, No. 1:12-cv-1096 (W.D. Mich. Oct. 8, 2012). Motions to dismiss are currently pending in both this case and *Autocam*. An appeal of the Court's decision denying plaintiffs' motion for preliminary injunction in *Autocam* (docket # 42) is currently pending before the U.S. Court of Appeals for the Sixth Circuit (docket # 43), with oral argument set for June 4, 2013 (docket # 59). The Sixth Circuit's disposition of the *Autocam* appeal is likely to illuminate the analysis in both cases. Pending the anticipated decision from the Sixth Circuit, the Court does not intend to issue a Case Management Order with actual pretrial disclosure and discovery deadlines. The parties concurred during the Rule 16. Either party may request that the Court revisit this decision at any point during the pendency of the *Autocam* appeal. The Court may also revisit this decision *sua sponte* as it manages its docket.

IT IS SO ORDERED.

Dated: May 8, 2013

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE